

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 1999-396-C - ORDER NO. 2000-011

JANUARY 5, 2000

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IN RE: Application of PBT Communications, Inc. for)	ORDER
a Certificate of Public Convenience and)	GRANTING
Necessity to Provide Local Exchange)	CERTIFICATE
Telecommunications Services to Customers)	
Located in those areas of the State of South)	
Carolina currently being served by BellSouth)	
Telecommunications, Inc., GTE South, Inc.,)	
and United Telephone Company of the)	
Carolinas, Inc.		

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of PBT Communications, Inc. ("PBT Com" or "the Company") for authority to provide local exchange service within the present operating areas of BellSouth Telecommunications, Inc., GTE South, Inc., and United Telephone Company of the Carolinas. The Application was filed pursuant to S.C. Code Ann. §58-9-280 and the Rules and Regulations of the Commission.

By letter, the Commission's Executive Director instructed PBT Com to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. PBT Com complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from BellSouth Telecommunications, Inc. (“BellSouth”) on September 30, 1999. However, on December 21, 1999, BellSouth filed a Motion to Withdraw Petition to Intervene. In its Motion to Withdraw Petition to Intervene, BellSouth stated that it preserves its right to petition the South Carolina Public Service Commission in the future for authority to provide local exchange telecommunications service to customers in those areas of the state currently served by Pond Branch Telephone, or any other rural telephone company.

On December 22, 1999, PBT Com filed its Motion for Expedited Review of its Application with the Commission. In support of its Application, PBT Com submitted the verified testimony of L.B. Spearman, Chief Regulatory Officer of PBT Com. The purpose of Spearman's testimony was to provide evidence regarding the financial, technical, and managerial ability of PBT Com to provide resold telecommunications services on a local exchange resale basis in South Carolina, to describe the services the Company proposes to provide, and to describe the geographic areas that PBT Com seeks to serve.

The Commission in its regularly scheduled Commission Meeting on December 28, 1999, considered PBT Com's Motion For Expedited Review. The Commission recognizes that PBT Com is presently certified to operate as a reseller of interexchange services in South Carolina having been granted that authority by Order No. 97-139 in Docket No. 96-270-C. As no opposition to PBT Com's Motion For Expedited Review was received, the Commission will grant PBT Com's Motion For Expedited Review and will consider PBT Com's Application in the Commission Meeting with a court reporter

present. The Commission's discussion and deliberation in the presence of a court reporter and with verified testimony of the witness will be deemed a hearing for the purposes of consideration of the Application.

S.C. Code Ann. §58-9-280 (Supp. 1998) provides that the Commission may grant a certificate to operate as a telephone utility...to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC. Mr. Spearman's testimony reveals PBT Com was originally incorporated as Community Data Services, Inc. in 1981. In 1996, the Company amended its Articles of Incorporation to reflect its new name, PBT Communications, Inc. The Company is incorporated in South Carolina and it has been granted a Certificate of Public Convenience and Necessity to provide resold and facilities-based interexchange telecommunications services. PBT Com is currently seeking authority to provide local exchange and exchange access services to residential and business customers in areas currently served by BellSouth Telecommunications, Inc., GTE South, Inc., and United Telephone Company of the Carolinas, Inc.

Mr. Spearman described the Company's managerial staff as having extensive experience in the provision of telecommunications services in South Carolina. For example, according to the prefiled testimony, Mr. Luther F. Kneece, Vice President of PBT Com has twenty-one years of experience in local exchange and interexchange telecommunications businesses, including both technical and managerial positions. Mr. Spearman also stated that PBT Com is a financially-sound company and has the technical resources to provide the services for which it seeks authority. Finally, Mr. Spearman

testified the public interest of the citizens of South Carolina will be better served upon this Commission granting PBT Com a Certificate of Public Convenience and Necessity. In addition, according to the prefiled testimony, PBT Com will enhance competition through additional service offerings and high quality service to South Carolina telecommunications consumers.

FINDINGS OF FACT

1. The Commission finds PBT Com is organized as a corporation under the laws of the State of South Carolina.

2. The Commission finds PBT Com has the “technical, financial, and managerial resources sufficient to provide the services requested.” S.C. Code Ann. §58-9-280(B)(1) (Supp. 1998).

3. The Commission finds PBT Com will provide services which “will meet the service standards” of the Commission. S.C. Code Ann. §58-9-280(B)(2) (Supp. 1998).

4. The Commission finds PBT Com’s “provision of service will not adversely impact the availability of affordable local exchange service.” S.C. Code Ann. §58-9-280(B)(3) (Supp. 1998).

5. The Commission finds that PBT Com will support “universally available telephone service at affordable rates.” S.C. Code Ann. §58-9-280(B)(4) (Supp. 1998).

6. The Commission finds that the provision of local exchange service by PBT Com “does not otherwise adversely impact the public interest.” S.C. Code Ann. §58-9-280 (B)(5) (Supp. 1998).

CONCLUSIONS OF LAW

1. The Application of PBT Com for a Certificate of Public Convenience and Necessity to provide competitive intrastate local exchange services within the present operating areas of BellSouth Telecommunications, GTE South, and United Telephone Company of the Carolinas is approved. PBT Com is hereby authorized to provide competitive local exchange services in these areas in South Carolina.

2. BellSouth's Motion to Withdraw Petition to Intervene is granted.

3. PBT Com shall file, prior to offering local exchange service in South Carolina, a final tariff of its service offerings conforming to all matters discussed with the Staff, and comporting with South Carolina law in all matters.

4. PBT Com shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, PBT Com shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. PBT Com shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, PBT Com shall promptly notify the Commission in writing if the representatives are replaced.

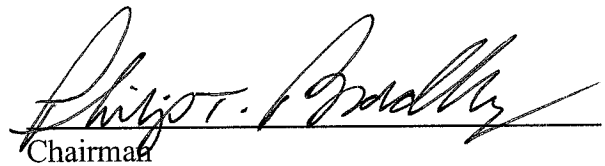
5. PBT Com shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all

Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

6. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs PBT Com to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association ("SC NENA") with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order and prior to providing services within South Carolina, PBT Com shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.

7. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:



Executive Director

(SEAL)

AUTHORIZED UTILITY REPRESENTATIVE INFORMATION

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION REGULATION

103-612.2.4(b) - Each utility shall file and maintain with the Commission the name, title, address, and telephone number of the persons who should be contacted in connection with General Management Duties, Customer Relations (Complaints), Engineering Operations, Test and Repairs, and Emergencies during non-office hours.

Company Name (Including dba Name(s) or Acronyms used or to be used in South Carolina)

Business Address

City, State, Zip Code

A.

General Manager Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

B.

Customer Relations (Complaints) Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

C.

Engineering Operations Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

D.

Test and Repair Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

E.

Contact for Emergencies During Non-Office Hours (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

F.

Financial Representative (Please Print or Type)

Telephone Number / Facsimile Number / E-mail Address

G.

Customer Contact Telephone Number for Company (Toll Free)

This form was completed by

Signature

**If you have any questions, contact the Consumer Services Department (803-896-5230)
or Utilities Department at (803-896-5105).**